THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6842 OF 2006

DATED: 01-02-2007

BETWEEN

Smt. G. Surya Laxmi, W/o. G. Govinda Rao,
R/o. Gollanarayanapuram, Srinivasanagar,
Visakhapatnam.

...PETITIONER

AND

The Commissioner of Police,
Visakhapatnam and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the second and third respondents in not taking any action against the fourth respondent herein as the fourth respondent has taken signatures on blank papers by threatening the petitioner and consequently to direct the second and third respondents to take immediate action against the fourth respondent.

2. It is the case of the petitioner that she is the owner of the premises bearing No.21-22/1 situated at Gollanarayanapuram admeasuring 197 square yards in S.No.155 Visakhapatnam District and that she entered into an agreement of sale dated 13.03.2005 with the fourth respondent for a sale consideration of Rs.6,60,000/- and received a sum of Rs.1,00,000/-. It is stated that the fourth respondent failed to pay the balance amount and get register the same within the stipulated time. While so, on 16.03.2006 the fourth respondent came to the house of the petitioner and took

her signatures on blank papers. Thereafter the fourth respondent along with some goondas harassed her to compromise the matter. Therefore, the petitioner made a complaint to the first respondent requesting him to take necessary action against the fourth respondent and his illegal activities. It is the grievance of the petitioner that the respondents 2 and 3 are not taking any action on the said complaint.

3. Learned counsel appearing for the fourth respondent submits that, in fact, the petitioner herself executed an agreement of sale in favour of the fourth respondent and it being a matter of purely civil nature the police have nothing to do with the same.

3. Counter has been filed by the respondents 1 to 3 stating that the petitioner approached the first respondent and presented a report which was numbered as Cr.No.242 of 2006 in the Central Complaint Cell of Commissioner's Office and subsequently the same was sent to the third respondent for necessary action on 22.03.2006. It is stated that the enquiry revealed that the petitioner has given a false report.

4. It is clear from above that the complaint of the petitioner had already been enquired into and it was found to be false. If the petitioner is aggrieved by the said report, it is always open to her to file a protest application but the writ petition is not maintainable.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 1, 2007
DSK

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